

PohlmanUSA® Court Reporting and Litigation Services

Monica McGee June 20, 2023

Patrick Romano, et al.

VS.

Torch Electronics, LLC, et al.

DIRECT EXAMINATION BY ATTORNEY MURPHY

1	your card, or how does that work?	1	Q. Do you remember how many of the Torch
2	A. You give them your ID, and get a card with	2	machines there were at this location?
3	your name on it.	3	A. I don't know back then. But now I think
4	Q. Okay.	4	it's like three or four, if I remember correctly.
5	A. Yes, and it has a number on it.	5	Q. So, you think you think there's three or
6	Q. And so, they they track what you've spent	6	four there if we were to go there today?
7	there in the past, what you've won there in the past,	7	A. Today, yes.
8	etc.?	8	Q. Okay. When was the last time you played one
9	A. Yes, is my understanding.	9	of these Torch machines?
10	Q. It's a separate card for each of these	10	A. Early this year. I'm not sure exactly the
11	different casino? It's not like it's one card for the	11	date.
12	whole place?	12	Q. Have you played at all since this lawsuit
13	A. Not to my knowledge.	13	was filed?
14	Q. Okay. Do you I think you may have	14	A. No.
15	already said this, but do you always use the player's	15	Q. Do you know which specific games on the
		16	· · · · · · · · · · · · · · · · · · ·
16	card when you're there?		Torch device you play?
17	A. No.	17	A. I don't know the name of 'em.
18	Q. Okay. What helps you decide whether to use	18	Q. Do you always play the same one, or do you
19	it or not to use it on a given night?	19	move it around?
20	A. It's just a myth for me. I think if they	20	A. I move it around, pick different screens.
21	know who you are, they don't let you in.	21	Q. Okay. The first time you played, if you can
22	Q. Okay. What do you mean what do you mean	22	remember, do you know how much money you spent on the
23	by that?	23	Torch machine?
24	A. Sometimes I just think it's based on who you	24	A. No, not 'pecific.
25	are with your card with your number not so much who	25	Q. Have you ever read any of the labeling that
	18		20
1	you are, but the number. That's how I feel. It	1	are on the Torch machines?
2	doesn't make it true, it's just what I think.	2	A. Other than how the game played, like?
3	Q. Have they ever not let you know?	3	Q. I mean like if there's any stickers or
4	A. No, I've always gotten in.	4	writing or anything on the machine?
5	Q. Okay. Have you ever been asked to leave a	5	A. No.
6	casino?	6	Q. Did you read any of the disclaimers on the
7	A. No, never.	7	machine or anything like that?
8	Q. Other than at these casinos that we've	8	A. No.
9	talked about, do you ever gamble anywhere else like at	9	Q. Have you is it fair to say you've only
10	a horse track or sports betting or anything like that?	10	looked at the words that are that appear on the
11	A. No.	11	screen as opposed to anywhere on the device itself?
12	Q. Do you ever use any online betting apps?	12	A. Yes.
13	A. No.	13	Q. Okay. So, is it fair to say that if there
14	Q. Okay. So, when it comes to gambling, it's	14	were stickers or disclaimers or anything on the
15	purely slot machines at casinos, and then you've	15	machine, you didn't read those and, therefore, you
		16	didn't, like, rely on anything that was written in
16	played these Torch machines.		
16 17	played these Torch machines. A. (Nod of head.)	17	those, correct?
	A. (Nod of head.)	17 18	those, correct? A. Correct.
17 18	A. (Nod of head.) Q. No other no other gambling?		
17 18 19	A. (Nod of head.)Q. No other no other gambling?A. No.	18	A. Correct.
17 18 19 20	A. (Nod of head.)Q. No other no other gambling?A. No.Q. Okay. You said it was approximately	18 19	A. Correct. Q. How do you know that it was a Torch device
17 18 19 20 21	 A. (Nod of head.) Q. No other no other gambling? A. No. Q. Okay. You said it was approximately one-and-a-half years ago that you first used one of 	18 19 20	A. Correct.Q. How do you know that it was a Torch device that you were playing?A. After I talked with the attorneys.
17 18 19 20 21 22	A. (Nod of head.) Q. No other no other gambling? A. No. Q. Okay. You said it was approximately one-and-a-half years ago that you first used one of these Torch devices at the Acapulco Mexican	18 19 20 21 22	 A. Correct. Q. How do you know that it was a Torch device that you were playing? A. After I talked with the attorneys. Q. Okay. So, when you played you you didn't
17 18 19 20 21 22 23	A. (Nod of head.) Q. No other no other gambling? A. No. Q. Okay. You said it was approximately one-and-a-half years ago that you first used one of these Torch devices at the Acapulco Mexican restaurant?	18 19 20 21	 A. Correct. Q. How do you know that it was a Torch device that you were playing? A. After I talked with the attorneys. Q. Okay. So, when you played you you didn't have any idea whose machine this was or or who
17 18 19 20 21 22 23 24	A. (Nod of head.) Q. No other no other gambling? A. No. Q. Okay. You said it was approximately one-and-a-half years ago that you first used one of these Torch devices at the Acapulco Mexican restaurant? A. I believe that was the location when I first	18 19 20 21 22 23	 A. Correct. Q. How do you know that it was a Torch device that you were playing? A. After I talked with the attorneys. Q. Okay. So, when you played you you didn't have any idea whose machine this was or or who owned it or anything like that?
17 18 19 20 21 22 23	A. (Nod of head.) Q. No other no other gambling? A. No. Q. Okay. You said it was approximately one-and-a-half years ago that you first used one of these Torch devices at the Acapulco Mexican restaurant?	18 19 20 21 22 23 24	 A. Correct. Q. How do you know that it was a Torch device that you were playing? A. After I talked with the attorneys. Q. Okay. So, when you played you you didn't have any idea whose machine this was or or who

1	Q. And you first became aware of that when you	1 any way personally by Mohammed Almuttan?
2	talked to some attorneys?	2 A. Well, if he's the owner of the slot
3	A. Yes.	3 machines, yes.
4	Q. Okay. Do you know an individual named	4 Q. And when you say that sorry. I didn't
5	Mohammed Almuttan?	5 mean to interrupt you.
6	A. No.	6 A. I'm not saying like directly physically.
7	Q. Have you ever met him, to your knowledge?	7 But indirectly, if he's the owner of the machines as
8	A. No.	8 stated.
9	Q. Never communicated with him in any way,	9 Q. If he owns which machine?
10	shape, or form?	10 A. Torch. If he's a part of it.
11	A. No.	11 Q. Meaning if he owns Torch, the company?
12	Q. Would you recognize him if you saw him?	12 A. No. If he's a part of putting them in the
13	A. No.	stores or any cooperation he may have with them being
14	Q. Do you have any idea who he is or what he	14 able to be out to the public.
15	does?	15 Q. Okay. I want to make sure I understand you.
16	A. I have an idea of who he is from the	16 Even though you've never played any Torch
17	lawsuit	machine at Mally Supermarket, you believe that you've
18	Q. Okay.	18 been injured by Mohammed Almuttan?
19	A but	19 A. No. I don't believe personally I've been.
20	Q. Other than from the lawsuit, would you have	20 According to the lawsuit, there are several owners or
21	any idea?	21 people that incorporated with it. That's not I
22	A. No.	22 didn't pick him out personally. I'm not sure.
23	Q. Okay. Have you ever been to a Mally	Q. What do you claim Mohammed Almuttan has to
24	Supermarket?	24 do with this lawsuit?
25	A. I have.	25 A. What do I claim? I don't claim. My
	22	24
-	O Olympiak and O	1 attangence los sociedades de did Danas a llegal de la los soci
1	Q. Okay. Which one?	attorneys know what he did. Personally, I don't know.
2	A. West Florissant.	2 Q. Did you is Mohammed Almuttan an owner of
3	Q. And what was the purpose of you going there?	3 Torch Electronics, LLC?
4	A. Chicken. We ordered some chicken.	4 A. I believe so, or have something to do with 5 it. I can't really remember from reading. I read so
5	Q. Like the pre-made chicken or	5 it. I can't really remember from reading. I read so 6 much. I can't.
6	A. They cook they have a kitchen.	
7	Q. Got it. So you go to the pre-made food as	, 3 ,
8	opposed to, like, going grocery shopping or anything	8 beat a dead horse, but
9	like that?	9 A. You're fine.
10	A. I was with my girlfriend. She was picking	10 Q is it your testimony that just by having
11	up an order for her job.	these machines in someone's business, and you never
12	Q. Okay. Do you go there regularly or	12 playing those particular machines, going someplace
13	A. No.	else, that that person is still somehow injuring you
14	Q just the one time?	14 in this lawsuit?
15	A. No, absolutely no, I've been there more	15 A. Would you repeat that again, please?
16	than once, but I don't go there on a regular.	16 Q. If these machines are at a store
17	Q. Okay. Have you ever played a Torch gaming	17 A. Okay.
18	device at Mally Supermarket?	18 Q owned by Mohammed Almuttan, but you've
19	A. No.	19 never played those machines, you play those machines
20	Q. Have you ever been to any other Mally	somewhere else, do you still believe that you've been
21	Supermarkets besides West Florissant?	injured by Mohammed Almuttan just because he has some
22	A. No.	22 machines in the store, allegedly?
23	Q. So, this is a bit repetitive, Miss McGee,	23 A. If I understand you correctly, if he has
24	and I apologize. But you don't know Mohammed	24 some type of ownership, yes, I do.
25	Almuttan. Are you claiming to have been injured in	25 Q. If he doesn't have any ownership of Torch
1		I
	23	25

DIRECT EXAMINATION BY ATTORNEY MURPHY

1	because of your use of these machines?	1	wrong, you said you've sat down and played the
2	A. No.	2	machines more than ten times, less than a hundred.
3	Q. It just happened kind of by accident?	3	What would you say the kind of average
4	A. Yeah.	4	amount of money is that you lose when you sit down and
5	Q. Okay. I want to show you what we've marked	5	play at one of these machines?
6	as Exhibit 1.	6	A. At the restaurant, \$100.
7	(Exhibit 1 was identified and marked.)	7	Q. Every time?
8	Q (By Attorney Murphy) Do you recognize this	8	A. Yeah. Or more.
9	document?	9	Q. Ever lost less than \$100?
10	A. Yes.	10	A. Yes.
11	Q. What is that?	11	Q. Do you keep any record of your wins and
12	A. The Complaint.	12	losses on these machines?
13	Q. When was the first time that you saw this	13	A. No. Other than my debit card can tell when
14	Complaint?	14	I take money out.
15	A. Back in February, I believe.	15	Q. Do you use the debit card in the machines or
16	Q. And have you reviewed the Complaint in its	16	do you mean just when you go to an ATM before using
17	entirety?	17	it?
18	A. Yes.	18	A. ATM before and sometimes at the location.
19	Q. Did you review the Complaint before it was	19	Q. When you use an ATM card, pull out cash at
20	filed in court?	20	the location, do you always use all the money for the
21	A. Yes.	21	Torch machine, or do you sometimes spend the money on
22	Q. Based on your review of the Complaint in its	22	food or drink or anything like that?
23	entirety, is everything that's alleged in there true?	23	A. Only I use it for the machine. My guy pay
24	A. Yes.	24	for the food.
25	Q. Do you work with Mary Bolden?	25	Q. You played these Torch machines many times.
	30		32
1	A. I do.	1	Always lose, correct?
2	Q. How long have you known her?	2	A. Uh-huh.
3	A. I've known her about eight or nine years.	3	Q. Why do you keep playing?
4	Going on nine years.	4	A. I want to win.
5	Q. And you said you'd been there for about 15?	5	Q. Do you have fun while you're playing?
6	A. Yes.	6	A. Yeah, sometimes.
7	Q. Does she do the same type of work as you?	7	Q. Is it entertaining?
8	A. Yes, she do now. She didn't start off doing	8	A. Sometimes.
9	it.	9	Q. Does it pass the time, does it kill some
10	Q. Okay. I want to talk a little bit about the	10	time while you're sitting at a restaurant waiting for
11	Torch machines again.	11	your food to come out?
12	Have you ever won any money sitting down at	12	A. Yeah.
13	a Torch machine?	13	Q. Is it fair to say that some people might
14	A. On a spin. I have never cashed out.	14	play it just for the money? Some people might play it
15	Q. So, you've never at the end of a session,	15	just for the entertainment?
16	you've never left with more than you started with?	16	A. I can only speak for myself.
17	A. I never win anything.	17	Q. We'd have to ask
18	Q. Okay. How much have you lost in a single	18	A. I don't know.
19	sitting at the machine?	19	Q. We'd have to ask everyone else why is it
20	A. I know I've lost over a \$100. I can't be	20	that they play?
21	'pecific, but I know.	21	A. Yeah, uh-huh.
22	Q. We're talking about a single session?	22	Q. Do you believe that these machines, these
23	A. Uh-huh. (Nod of head.)	23	Torch machines are rigged?
24	Q. How many times do you think scratch that.	24	A. Yes.
25	You said before, and correct me if I'm	25	Q. Why?
İ	31		33

		Т
1	boyfriend and I talk about it.	1 A. Okay.
2	Q. Do you keep any in the book, do you keep	2 Q. In that paragraph, it says: On or about
3	it separated by casino versus Torch machines?	3 April 6, 2022, Defendant, Mohammed Almuttan, pled
4	A. Yeah.	4 guilty to knowingly violating 18 U.S.C. Sections 371
5	Q. Okay. So, you would be able to go back at	5 and 2342(a) for his involvement in a conspiracy to
6	least from November of 2022 to the present and tell	6 defraud the United States through the sale of
7	us	7 contraband cigarettes.
8	A. Uh-huh.	8 Did I read that correctly?
9	Q with precision how much you've won or	9 A. Yes.
10	lost on these machines?	10 Q. Do you know that to be true?
11	A. Some of it. Not like when I run into the	11 A. No.
12	gas station, I ain't never recorded that.	12 Q. Do you have any personal information about
13	Q. So, not exact	13 the allegations in that paragraph?
14	A. Yeah.	14 A. Other than this, no.
15	Q but it would get you in the ballpark?	15 Q. Just from having read the lawsuit?
16	A. Uh-huh.	16 A. Yes.
17	Q. Okay. Do you use a Torch machine every time	17 Q. And then in paragraph 18, Ms. McGee, which
18	you go get gas?	18 is right after that one, it says: Defendant Almuttan
19	A. No.	19 was involved in a scheme to bribe Aldermen of the City
20	Q. Okay. So, is it fair to say, even if you	20 of St. Louis, including Board President Lewis Reed;
21	look at your book or or whatever the record is, you	21 21st Ward Alderman, John Collins-Muhammad, and 22nd
22	wouldn't be able to come up with an exact amount that	22 Ward Alderman, Jeffrey Boyd. The scheme led to the
23	you've won or lost because you haven't always kept	23 federal criminal conviction of the three Aldermen.
24	records of it; is that fair?	24 Did I read that correctly?
25	A. Of everything, right.	25 A. Yes.
23	A. Or everything, right.	25 A. 165.
	38	40
1	Q. Okay. And when you use these Torch devices,	1 Q. Do you have any personal knowledge about the
2	that's always with cash, correct?	2 truth of the allegations in that paragraph?
3	A. Yes.	3 A. Aside from this, no.
4	Q. You've still got Exhibit 1 in front of you.	4 Q. You just know about it from reading the
5	Can you do me a favor and	5 lawsuit?
6	COURT REPORTER: I'm sorry. I didn't	6 A. Yes.
7	hear I didn't hear the response. I apologize. I	7 Q. Okay. Ms. McGee, what is it that you want
8	didn't hear a response, and my Zoom froze.	8 out of this lawsuit?
9	The last question I heard was: "And when	9 A. A few things. I seen this kid playing the
10	you use these Torch devices, that's always with cash,	machine at the gas station, that really bothered me.
11	correct?"	So either they should remove them, if they're illegal,
12	THE WITNESS: Correct.	or have it where the kids can't get to it.
13	ATTORNEY MURPHY: And she said "correct,"	They need to change where if they're gonna
14	yeah.	be there where people can get their money back.
15	Thank you.	15 Meaning their change.
16	Q (By Attorney Murphy) You've still got	16 Q. Anything else?
17	Exhibit 1, which is the Complaint, in front of you.	17 VIDEOGRAPHER: This is the videographer
18	Can you do me a favor and turn until you see	here. I haven't heard any audio for the past, say, 8,
19	the 17th paragraph? The paragraph next to it	19 10 seconds or so.
20	A. Yeah.	20 ATTORNEY MURPHY: I think she's just
21	Q. That yes.	21 thinking right now.
22	A. Okay.	22 VIDEOGRAPHER: Okay. Okay. I did see her
23	Q. In that paragraph	mouth moving, so I just want to make sure.
24	A. I need my glasses.	24 Could you repeat your question, please?
25	Q. Yeah, take your time.	25 ATTORNEY MURPHY: Yeah.
	·	
	39	41

1	VIDEOGRAPHER: Thank you.	1 A. No.
2	Q (By Attorney Murphy) My last question was,	2 Q. Have you ever put yourself on I think
3	"Anything else?" which was the follow-up to: What are	3 there's a list that you can put yourself on so that
4	you hoping to get out of this lawsuit?	4 casinos will turn you away, or anything like that?
5	A. That's it at this moment.	5 A. No.
6	Q. And so, just to be clear, you said you saw a	6 Q. Okay. When you use these Torch devices,
7	kid playing one of these machines. And you want these	7 fair to say that you're doing so voluntarily?
8	machines removed. And I think you said if they are	8 A. Yes.
9	illegal, is that fair?	9 Q. No one's forcing you to play on them?
10	A. They are illegal, yes.	10 A. No.
11	Q. Since they are illegal?	11 Q. Would you agree that some people who see
12	A. Uh-huh.	these machines may play them because they have a
13	Q. And then, the second thing you want is that	gambling addiction?
14	if they're not going to be removed that people should	14 A. Yes.
15	be able to get their change.	Q. Do you see Mary Bolden outside of work or is
16	A. Yeah.	she just kind of a work acquaintance?
17	Q. Yeah. And that's all that you want at this	17 A. Yeah, sometimes.
18	time?	18 Q. Do you hang out socially?
19	A. Yes.	19 A. Sometimes.
20	COURT REPORTER: This is the court reporter.	Q. Okay. How often do you see each other
21	It's very difficult to hear the witness' responses.	21 outside of work?
22	If you could sit closer to the microphone, please,	A. It varies. When other co-workers having a
23	that would be great.	party, or she might have a BBQ, something like that.
24	I heard your last answer as "yes".	Q. What has Mary Bolden told you about this
25	THE WITNESS: Yes.	25 lawsuit?
	42	44
1	ATTORNEY MILLER: Speak up a little bit.	1 A. That the machines were illegal.
2	Yep. There you go.	2 Q. What have you told Mary Bolden about this
3	ATTORNEY MURPHY: Just try to keep your	3 lawsuit?
4	voice kind of raised.	4 A. Same thing. I didn't know they were illegal
5	THE WITNESS: Okay.	5 either.
6	Q (By Attorney Murphy) Would it be fair to say	6 Q. Are they illegal?
7	that some people who use these Torch machines might	7 A. Illegal.
8	want something different than that?	8 Q. Are they illegal?
9	A. Possibly. I'm not sure what they want.	9 A. That's what I was told.
10	Q. You think that some people want money?	10 Q. How do you know that they're illegal?
11	A. From gambling on the machines or	11 A. My attorneys.
12	Q. No, I mean, as a result of this lawsuit.	Q. What about these machines make them illegal?
13	A. Oh. Possibly.	13 A. Not sure.
14	Q. But you're not in it for the money?	Q. If a court were to determine that these
	A. Absolutely not.	15 machines are not illegal, would that change this
15	•	
16	Q. So, it's fair to say that what you might	16 lawsuit?
16 17	Q. So, it's fair to say that what you might excuse me what you want might be totally different	17 A. They were not illegal?
16 17 18	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this	17 A. They were not illegal? 18 Q. If they were perfectly legal, would that
16 17 18 19	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair?	17 A. They were not illegal? 18 Q. If they were perfectly legal, would that 19 change this lawsuit?
16 17 18 19 20	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes.	17 A. They were not illegal? 18 Q. If they were perfectly legal, would that 19 change this lawsuit? 20 A. Not sure.
16 17 18 19 20 21	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes. Q. Do you believe that you have any kind of a	17 A. They were not illegal? 18 Q. If they were perfectly legal, would that 19 change this lawsuit? 20 A. Not sure. 21 Q. I'm going to hand you, Ms. McGee, what's
16 17 18 19 20 21 22	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes. Q. Do you believe that you have any kind of a gambling addiction?	17 A. They were not illegal? 18 Q. If they were perfectly legal, would that 19 change this lawsuit? 20 A. Not sure. 21 Q. I'm going to hand you, Ms. McGee, what's 22 been marked as Exhibit 9.
16 17 18 19 20 21 22 23	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes. Q. Do you believe that you have any kind of a gambling addiction? A. No.	A. They were not illegal? Q. If they were perfectly legal, would that change this lawsuit? A. Not sure. I'm going to hand you, Ms. McGee, what's been marked as Exhibit 9. (Exhibit 9 was identified and marked.)
16 17 18 19 20 21 22 23 24	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes. Q. Do you believe that you have any kind of a gambling addiction? A. No. Q. Have you ever sought help feeling like	A. They were not illegal? Q. If they were perfectly legal, would that change this lawsuit? A. Not sure. I'm going to hand you, Ms. McGee, what's been marked as Exhibit 9. (Exhibit 9 was identified and marked.) Q (By Attorney Murphy) Do you recognize that
16 17 18 19 20 21 22 23	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes. Q. Do you believe that you have any kind of a gambling addiction? A. No.	A. They were not illegal? Q. If they were perfectly legal, would that change this lawsuit? A. Not sure. I'm going to hand you, Ms. McGee, what's been marked as Exhibit 9. (Exhibit 9 was identified and marked.)
16 17 18 19 20 21 22 23 24	Q. So, it's fair to say that what you might excuse me what you want might be totally different from what someone else who gets involved in this lawsuit might want; is that fair? A. Yes. Q. Do you believe that you have any kind of a gambling addiction? A. No. Q. Have you ever sought help feeling like	A. They were not illegal? Q. If they were perfectly legal, would that change this lawsuit? A. Not sure. I'm going to hand you, Ms. McGee, what's been marked as Exhibit 9. (Exhibit 9 was identified and marked.) Q (By Attorney Murphy) Do you recognize that